

11/26/08

8A



**City of Santa Clara
PLANNING COMMISSION
Wednesday, November 12, 2008
7:00 P.M.
CITY COUNCIL CHAMBERS
SUMMARY OF ACTIONS**

Please refer to the Planning Commission Procedural Items coversheet for information on all procedural matters.

REGULAR ITEMS – 7:00 p.m.

1. PLEDGE OF ALLEGIANCE and INVOCATION

- 2. ROLL CALL** - All Commissioners were present with the exception of Chairperson Fitch, who was excused.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS

4. DECLARATION OF COMMISSION PROCEDURES

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

- A) Withdrawals – None
B) Continuances without a hearing - None
C) Exceptions (requests for agenda items to be taken out of order) - None

6. ITEMS FOR COUNCIL ACTION

The following items from this Planning Commission agenda are recommendations to the City Council and will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items may be heard concurrently with or subsequent to the Council review of these minutes. Please contact the Planning Division office for information on the schedule of hearings for these items:

- A. Agenda Item 9. PLN2008-07068, 1270 Campbell Avenue
B. Agenda Item 10. PLN2008-07176, 2600, 2800 San Tomas Expressway

7. ORAL PETITIONS/ ANNOUNCEMENTS/COMMUNICATIONS/SPECIAL ORDER OF BUSINESS - None

8. CONSENT CALENDAR

The following routine administrative and public hearing items were approved under the Consent Calendar unless otherwise noted.

Routine Items/Consent Calendar

- 8.A.** Planning Commission Minutes of October 22, 2008 – Approved as submitted.

Public Hearing Items/Consent Calendar

None

*****End of Consent Calendar*****

ZONING

9. File: **PLN2008-07068**
Location: 1270 Campbell Avenue, a .58 acre portion of a 5.18 acre site that straddles the Santa Clara and San Jose city limit lines and is located at the southeast corner of Campbell Avenue and El Camino Real (APN: 230-14-026).
Applicant/Owner: Sobrato Development Companies
Request: **Certify a Mitigated Negative Declaration**
Rezone a .58 acre parcel from ML (Light Industrial) to PD (Planned Development) to allow construction of a new 259 multi-family residential unit infill project located on property within the jurisdictions of Santa Clara and San Jose
Project Planner: Debby Fernandez, Associate Planner
CEQA Determination: Mitigated Negative Declaration (City of San Jose Lead Agency)
Action: **The Mitigated Negative Declaration and the Rezoning were recommended for approval to the City Council.**
10. File: **PLN2008-07176 (General Plan Amendment); PLN2008-07177 (Rezone ML to PD); PLN2008-07179 (Development Agreement); CEQ2008-01062 (EIR/ SCH#20080520111)**
Location: 2600, 2800 San Tomas Expressway, and 2400 Condensa Street, three parcels on 35.6-acre site located on both sides of San Tomas Aquino Creek channel, south of Central Expressway (APNs 224-11-065, 224-11-066, 216-2-128). Property is zoned ML (Light Industrial).
Applicant: Harvest Properties
Owner: Harvest 2400, LLC & Harvest-Granite San Tomas, LLC
Request: **Certify Final Environmental Impact Report (EIR); General Plan Amendment #71 from Light Industrial to Office/Research and Development; Rezone from ML (Light Industrial) to PD (Planned Development); Development Agreement to vest development rights; Architectural Review of San Tomas Business Park Campus Project.**
Project Description: San Tomas Business Park Campus Project – Project Application for Building A – 650,000 square feet with parking structure; Building B – 650,000 square feet with parking structure; Building C – 650,000 square feet with parking structure; and including a pedestrian bridge over the San Tomas Aquino Creek. The three parcels would accommodate up to 1,950,000 square feet of office and high-tech lab buildings. The development will replace existing office and industrial buildings on three parcels.
Project Planner: Yen Han Chen, Associate Planner
Action: **The public hearing was opened, and public testimony was taken. The hearing was continued to the November 19, 2008 Special Planning Commission meeting.**

11. REFERRALS

Staff Report regarding Public Hearing Noticing Procedures

Ms. Sciara presented a report, which was discussed by Commissioners.

12. OTHER BUSINESS

A. Discussion Regarding Amending Planning Commission Minutes of September 24, 2008

Commissioner Champeny's comments were accepted as amendments to the September 24, 2009 Planning Commission minutes.

B. Commission Procedures and Staff Communications

Public comment on these items may be limited to one minute, at discretion of the Chair

- i. Announcements/Other Items
- ii. Report of the Director of Planning and Inspection
 - City Council Actions – Report by Mr. Riley
 - Commission/Board Liaison and Committee Report
 - Commission/Committee Assignments
 - Architectural Committee: Commissioners Stattenfield and Mayer (Barcells alternate) – Report by Commissioner Stattenfield
 - Station Area Plan: Commissioner Champeny
 - General Plan sub-Committee: Chair Fitch and Commissioner O'Neill (Champeny alternate) – Report by Commissioner O'Neill
- iii. Commission Procedures
 - Planning Procedures
 - Work plan item
 - Commissioner Travel and Training reports
- iv. Upcoming agenda items

13. ADJOURNMENT – 10:10 p.m.

Approved:



Gloria Sciara, AICP
Development Review Officer

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**City of Santa Clara
PLANNING COMMISSION
Wednesday, November 12, 2008
7:00 P.M.
CITY COUNCIL CHAMBERS
MINUTES**

Please refer to the Planning Commission Procedural Items coversheet
for information on all procedural matters.

REGULAR ITEMS – 7:00 p.m.

1. PLEDGE OF ALLEGIANCE and INVOCATION

Vice-Chairperson O'Neill initiated the Pledge of Allegiance, and the Invocation was read.

2. ROLL CALL

The following Commissioners responded to roll call: Vice-Chairperson Teresa O'Neill, Commissioners Tony Marine, Keith Stattenfield, Frank Barcells, Robert Mayer, and Ian Champeny. Chairperson Todd Fitch was excused, and Vice-Chairperson O'Neill became the Acting Chairperson.

Staff present were Director of Planning and Inspection Kevin Riley, City Planner Carol Anne Painter, Development Review Officer Gloria Sciara, Associate Planners Yen Chen and Debby Fernandez, Assistant City Attorney Julia Hill, Civil Engineer II Darrell Mackie and Office Specialist IV Susan Landers.

3. DISTRIBUTION OF AGENDA AND STAFF REPORTS

Ms. Painter said that copies of current agendas and staff reports for each of the items on the agenda are available from the Planning Division Office on the Friday afternoon preceding the meeting and are available at the Commission meeting at the time of the hearing.

4. DECLARATION OF COMMISSION PROCEDURES

Acting Chairperson O'Neill reviewed Planning Commission procedures for those present.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

- A) Withdrawals – None
- B) Continuances without a hearing - None
- C) Exceptions (requests for agenda items to be taken out of order) - None

6. ITEMS FOR COUNCIL ACTION

The following items from this Planning Commission agenda are recommendations to the City Council and will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items may be heard concurrently with or subsequent to the Council review of these minutes. Please contact the Planning Division office for information on the schedule of hearings for these items:

- A. Agenda Item 9. PLN2008-07068, 1270 Campbell Avenue
- B. Agenda Item 10. PLN2008-07176, 2600, 2800 San Tomas Expressway

ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS

- A) None

8. CONSENT CALENDAR

Commissioner Marine made a motion to approve the Consent Calendar (Item 8.A.)

seconded by Commissioner Stattenfield, and the motion was approved unanimously.

Routine Items/Consent Calendar

8.A. Planning Commission Minutes of October 22, 2008 – Approved as submitted.

Public Hearing Items/Consent Calendar

None

*******End of Consent Calendar*******

ZONING

9. File: **PLN2008-07068**
Location: 1270 Campbell Avenue, a .58 acre portion of a 5.18 acre site that straddles the Santa Clara and San Jose city limit lines and is located at the southeast corner of Campbell Avenue and El Camino Real (APN: 230-14-026).
Applicant/Owner: Sobrato Development Companies
Request: **Certify** a Mitigated Negative Declaration
Rezone a .58 acre parcel from ML (Light Industrial) to PD (Planned Development) to allow construction of a new 259 multi-family residential unit infill project located on property within the jurisdictions of Santa Clara and San Jose
Project Planner: Debby Fernandez, Associate Planner

CEQA Determination: Mitigated Negative Declaration (City of San Jose Lead Agency)

Summary of Discussion

Ms. Fernandez provided background information on the project. She said applications had been submitted to the cities of Santa Clara and San Jose, and San Jose's City Council had already approved the application. She noted the majority of the project site is located in San Jose (4.6 acres are in San Jose, and .58 acres in Santa Clara). Ms. Fernandez also said that staff in both cities had prepared a joint Memorandum of Understanding, for planning, building and inspection activities, public works improvements, and affordable housing.

Acting Chair O'Neill asked what would happen if Santa Clara did not approve the Mitigated Negative Declaration (MND), and Mr. Riley said the City would have to make findings as to why they could not certify it. He said the Commission should adopt the MND if they are comfortable with it, rather than just considering it. Discussion followed.

Ms. Fernandez said one letter of opposition to the project had been received.

Applicant Tim Steele, from Sobrato Development Companies, provided information on the project.

Resident Kevin Park said the buildings were about two stories higher than other buildings in the area, and the project should blend in with the others. Mr. Steele said the plan for the project is consistent with the Station Area Plan.

Action

The public hearing was closed. Commissioner Marine moved to approve the Mitigated Negative Declaration, seconded by Commissioner Stattenfield. The motion was approved unanimously. Commissioner Marine moved to approve the rezone of the property, subject to conditions, seconded by Commissioner Stattenfield. Following some discussion regarding light and noise, density and traffic issues, a vote was taken, and the motion was approved unanimously. Acting Chair O'Neill read the findings for the rezoning, which had been distributed at the meeting.

10. File: **PLN2008-07176 (General Plan Amendment); PLN2008-07177 (Rezone ML to PD); PLN2008-07179 (Development Agreement); CEQ2008-01062 (EIR/ SCH#20080520111)**

Location: 2600, 2800 San Tomas Expressway, and 2400 Condensa Street, three parcels on 35.6-acre site located on both sides of San Tomas Aquino Creek channel, south of Central Expressway (APNs 224-11-065, 224-11-066, 216-2-128). Property is zoned ML (Light Industrial).

Applicant: Harvest Properties

Owner: Harvest 2400, LLC & Harvest-Granite San Tomas, LLC

Request: **Certify Final Environmental Impact Report (EIR); General Plan Amendment #71 from Light Industrial to Office/Research and Development; Rezone from ML (Light Industrial) to PD (Planned Development); Development Agreement to vest development rights; Refer the project for Architectural Review of San Tomas Business Park Campus Project.**

Project Description: San Tomas Business Park Campus Project – Project Application for Building A – 650,000 square feet with parking structure; Building B – 650,000 square feet with parking structure; Building C – 650,000 square feet with parking structure; and including a pedestrian bridge over the San Tomas Aquino Creek. The three parcels would accommodate up to 1,950,000 square feet of office and high-tech lab buildings. The development will replace existing office and industrial buildings on three parcels.

Project Planner: Yen Han Chen, Associate Planner

Summary of Discussion

Ms. Painter and Mr. Chen provided an overview of the progress of the project.

Commissioner Champeny noted there are unavoidable, significant impacts from the project that would exacerbate the existing balance of jobs and housing and would affect global climate. It would have to be determined if benefits from the project would override the impacts. Ms. Painter said that information would be included in resolutions at the November 19th Planning Commission meeting.

The stated objectives of the project proponent and the objectives of the City, as outlined in the staff report, were discussed. There was discussion about mitigation measures, and Ms. Painter said the agreement with the developer outlines their contributions to the costs of public facilities and services as required to mitigate impacts of the development of the property. She said the City worked with the applicant, the County and the City of San Jose to ensure improvements would take place.

Mr. Chen made a Powerpoint presentation, followed by a presentation by the applicant, represented by John Hankey, NVIDIA Vice President; Dave Wilbur, Development Manager for Harvest Properties; and Tod Korth, architect. Mr. Hankey said the project will be NVIDIA's corporate headquarters and will host research and development activities worldwide. Mr. Wilbur said the corporate campus environment would benefit Santa Clara and the community in general. They are pledging funds toward regional transportation and local traffic improvements, a housing trust fund and the San Tomas Aquino Trail. He said the project would have a positive impact with regard to jobs and property taxes.

Resident Kevin Park said he would like to see developments such as this one. He expressed concern, however, about traffic, which is already heavy, and said the money pledged would not be sufficient to alleviate traffic impacts. He also expressed concern about the small parking stalls.

Commissioner Stattenfield asked what NVIDIA is already doing to mitigate traffic impacts. Mr.

Hankey said they have bicycle lockers, showers, on site food, flex time, commuter passes and their own shuttle service. There was discussion about parking and traffic issues. In response to Commissioners' questions and concerns, including questions from Commissioner Stattenfield about traffic equations included in the environmental impact report, Ms. Painter offered to bring the City's Traffic Engineer and consultant to the November 19th Planning Commission meeting. She also said staff would bring back a qualitative analysis of the positive effects associated with the San Tomas Expressway improvements.

Action:

Commissioner Marine moved to continue the public hearing to the November 19th Special Planning Commission meeting, seconded by Commissioner Stattenfield. The motion was approved unanimously.

REFERRALS

11. Staff Report regarding Public Hearing Noticing Procedures

Summary of Discussion

Ms. Sciara reported on the notification process for public hearing items, in response to a request for such information made by the Commission and City Council. There was discussion regarding how notices are currently processed by the City of Santa Clara and several neighboring communities and the feasibility of contracting out noticing services and collecting fees from developers to cover the mailings. Ms. Sciara said the in-house noticing system currently does not have the capability to include tenants, but a master address list to include tenants is being created for integration into the GIS system by the end of 2009.

There were questions from Commissioners concerning the possible use of email and the City's website for notifications. Ms. Painter said the City of San Jose has a program using this technology, but they have an entire department dedicated to this type of work. Ms. Sciara said State law requires a 300 foot notification radius but does not recognize email for this. She said notices are sometimes sent to a greater radius, up to 1,000 feet, due to a project's location, size or controversy. Attorney Hill emphasized the importance of having consistent criteria to follow. There was discussion concerning the present process and the potential for greater use of technology in notifying the public.

Action: Reviewed and commented

OTHER BUSINESS

12.A. Discussion Regarding Amending Planning Commission Minutes of September 24, 2008

Summary of Discussion

Commissioner Champeny said there had been a lot of conversation at the September 24th Planning Commission meeting about removing suitable habitat for burrowing owls with regard to the project at 2800 Mission College, and he wanted the minutes to show that due diligence was done. Commissioner Champeny distributed a list of the comments he had made at the meeting and said if the Commissioners agreed, the minutes could be amended to include these comments. Commissioner Stattenfield asked if the last condition on this list had been added to the conditions for the project that went to the City Council, and Mr. Riley said it had and that follow up was added to the mitigation monitoring report.

Ms. Sciara said if the Commission amended the minutes, the minutes would go to the City Council to be noted and filed.

the September 24, 2008 Planning Commission minutes. Commissioner Stattenfield seconded the motion, and it was approved unanimously.

B. Commission Procedures and Staff Communications

- i. Announcements/Other Items –
- ii. Report of the Director of Planning and Inspection
 - City Council Actions – Mr. Riley reported on the October 28th meeting.
 - Commission/Board Liaison and Committee Report - None
 - Commission/Committee Assignments - Assignments are reflected in the next three bulletpoint items.
 - Architectural Committee: Commissioners Stattenfield and Mayer (Barcells alternate) – Commissioner Stattenfield reported there were two meetings on November 5th; one was a special meeting on the Great America roller coaster item.
 - Station Area Plan: Commissioner Champeny
 - General Plan sub-Committee: Commissioners Fitch and O'Neill (Champeny alternate) – Acting Chair O'Neill reported the November meeting was postponed to December, and there was a community workshop two weeks ago. She said community survey comments were posted on the General Plan website.
- iii. Commission Procedures
 - Planning Procedures
 - Work plan items
 - Commissioner Travel and Training reports
- iv. Upcoming agenda items

13. ADJOURNMENT

The meeting was adjourned at 10:10 p.m. to the Special Planning Commission Meeting of November 19, 2008, at 7:00 p.m., in the City Hall Council Chambers.

Respectfully submitted:



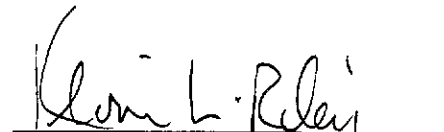
Susan Landers
Office Specialist IV

Approved:



Gloria Sciara, AICP
Development Review Officer

Approved:



Kevin L. Riley, AICP
Director of Planning & Inspection

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